

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

PIERSON VALLES,
Plaintiff,

v.

ACT, INC.,

Defendant.

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CAUSE NO. 4:22-cv-00568

DECLARATION OF MARK WHITBURN

Mark Whitburn hereby declares as follows:

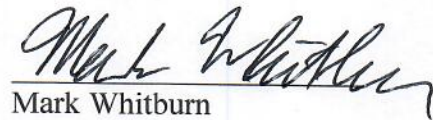
1. “My name is Mark Whitburn. I am over twenty-one years of age and am competent to make this declaration pursuant to 28 U.S.C. § 1746.
2. “I am an attorney for Plaintiff in this action. This declaration sets forth knowledge I have acquired in the course and scope of my representation of Plaintiff in this matter. If called upon to do, I could and would competently testify to the matters set forth in this declaration.
3. “Attached as Exhibit B to the foregoing Plaintiff’s Motion for Temporary Restraining Order and Preliminary Injunction (the “Motion”) is a true and correct copy of a Psychoeducational Report from Dr. Lisa M. Elliott.
4. “Attached as Exhibit C to the foregoing Motion is a true and correct copy of a printout of a website page of Defendant ACT, Inc., available at www.act.org (last reviewed on July 5, 2022).
5. “Attached as Exhibit D to the foregoing Motion is a true and correct copy of a printout of a website page of Defendant ACT, Inc., available at www.act.org/content/act/en/reasons-to-take-the-act.html (last reviewed on July 5, 2022).

documents/publications/research/2018_soca/soca2019_all.pdf (last reviewed on July 5, 2022).

15. “On July 6, 2022, I sent a draft version of the foregoing Motion with Exhibit B-M, along with a draft version of Plaintiff’s Original Verified Complaint to the following email addresses to which I was directed by an employee of Defendant ACT, Inc.: actaccom@act.org and act-cares@act.org. The employee of Defendant ACT, Inc., directed me to those email addresses after I requested information as to whether ACT, Inc., had a legal department and, if not, to whom I should direct notice of an impending lawsuit coupled with a request for injunctive relief regarding a denial of accommodations. I received no response from either of those email addresses. I sent the final versions of Plaintiff’s Original Verified Complaint and the foregoing Motion with all exhibits to those same email addresses on July 7, 2022.

“I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.”

EXECUTED this 7th day of July, 2022


Mark Whitburn